

CUSTOMER NO.: 24498

Serial No. 09/916,421

Reply to Office Action dated: 9/20/06

Response dated: 10/12/06

PATENT

PU010110

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REMARKS

In the Office Action, the Examiner noted that claims 1-22 are pending in the application, that claims 1 and 12 stand rejected and that claims 2-11 and 13-22 are objected to. All claims continue unamended by this response.

In view of the following discussion and the terminal disclaimer submitted herewith, the Applicant respectfully submits that none of these claims are subject to a non-statutory Double Patenting rejection. Thus the Applicant believes that all of these claims are now in allowable form.

Double Patenting

A. Judicially created obviousness type double patenting

The Examiner rejected claims 1 and 12 under the Judicially created doctrine of obviousness type double patenting as being unpatentable over claims 15 and 16 of U.S. Patent No. 6,707,984. The Examiner stated that the claims are not identical, but they are not patentably distinct from each other.

The Applicant respectfully disagrees and believes that each application is unobvious in view of the other, however, to further the prosecution of the present case, the Applicant is submitting herewith a timely filed terminal disclaimer in compliance with 37 CFR 1.321(c). As such, the Applicant submits that the basis for the Examiner's rejection of the Applicant's claims under the Judicially created doctrine of obviousness type double patenting has been removed. As such, the Applicant respectfully requests that the Examiner's rejection of the Applicant's claims 1 and 12 be withdrawn.

Conclusion

The Applicant respectfully submits that, at least because of the timely filed terminal disclaimer submitted herewith, none of the claims presently in the application, are subject to rejection under the Judicially created, non-statutory Double Patenting doctrine. Consequently, the Applicant believes that all these claims are presently in condition for allowance. Accordingly, both reconsideration of this application and its swift passage to issue are earnestly solicited.

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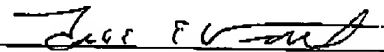
If however, the Examiner believes that there are any unresolved issues requiring adverse final action in any of the claims now pending in the application, or if the Examiner believes a telephone interview would expedite the prosecution of the subject application to completion, it is respectfully requested that the Examiner telephone the undersigned.

The Terminal Disclaimer fee 37 CFR 1.20(d) is included herewith. It is believed that no additional fees or charges are currently due. However, if a fee is due, please charge the additional fee to Deposit Account No. 07-0832.

Respectfully submitted,

SHU LIN

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